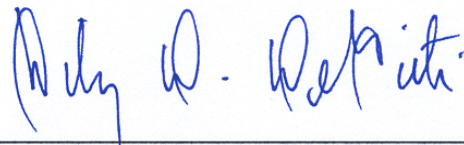


In response to Plaintiff's motion, Defendant does not dispute that she is entitled to an EAJA fee award. Defendant also does not object to the amount of the award requested by Plaintiff, but notes that payment must be made directly to Plaintiff in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1254 (10th Cir. 2007). Furthermore, if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U. S. C. § 406(b), he must refund the smaller of the EAJA or the § 406(b) award to Plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

The Court has reviewed the documentation submitted by Plaintiff and finds that the requested fee of \$4,010.70 represents a fair and reasonable fee for the work performed by Plaintiff's attorney in this case. The requested fee and applicable hourly rates are also consistent with Social Security regulations governing EAJA attorney fees.

Accordingly, Plaintiff's Motion [Doc. 18] for approval of an EAJA attorney fee award in the amount of \$4,010.70 is GRANTED. Defendant is directed to pay that amount directly to Plaintiff, in accordance with the requirements of the EAJA and the Tenth Circuit Court of Appeals. However, as Defendant points out, payment may be sent to Plaintiff in care of her counsel.

IT IS SO ORDERED this 28th day of November, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

separately. LCvR 7.1. Although the Court has reviewed the brief in this case, counsel is cautioned that future failures to comply with the Local Civil Rules may result in striking the brief.